

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended no claims. Accordingly, claims 21-36 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 21-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Candelore and further in view of Lorello, US Patent No. 6751463, and further in view of Ogdon, US Patent No. 6598075. The Applicant respectfully traverses the rejection of these claims.

As previously described, the present invention divides a content file into two parts and sends both parts to an end user terminal. As disclosed in Figure 3 and the narrative describing Figure 3, the first part is sent to the end user via a first network, the second part, a necessary and smaller part of the file, is encrypted and sent via a second network and the key to the encrypted part is sent via a third network. The Applicant respectfully submits that the prior art references Candelore and Lorello fail to route the content file parts and the decrypting key via separate networks. Furthermore, the prior art references do not contain any suggestion (express or implied) that they be combined.

It is not likely that a person skilled in the art would be encouraged by Candelore to look to Lorello to find a means for sending an encryption key; since the SMS system would not be applicable to a Channel Access system. In Lorello the SMS system is briefly described in column 1, lines 24-32: "...One way in which information is exchanged is through short messages. A short message is typically a textual such as paging message, e-mail or a voice mail message passed to and/or from various types of communication devices, e.g., cellular telephone handsets, telephones or computers with appropriate modems. A variety of services have been introduced using SMS networks including, for example, integrated electronic mail and fax, integrated paging, interactive banking, and information services such as stock quotes, and airline schedule delivery.

(Col. 1, lines 24-32). The SMS system is not indicated as being used or even really compatible with a CA system.

As noted in MPEP 2143 –" To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Candalore reference is cited (col. 6, lines 25-46) as disclosing sending the second part via a second network. Since Candalore is a Conditional Access (cable network) system and the drawings and Detailed Description of Candalore's invention do not disclose a second, much less a third network, then Candalore cannot send a second, encrypted part to the end user via a second network as claimed in claim 21 by the Applicant. Also, as would be expected, Candalore discloses that the encrypted audio is multiplexed with the clear video (col. 6, lines 43-45) and "[A]fter distribution through the cable system 32, the video, system information, program specific information...are all delivered to set-top boxes..." (col. 6, lines 47-49). CA systems aggregate each component into one composite stream which are carried via a channel (col 3, lines 1-11). Again, a confirmation that the content, both audio and video, are delivered by the CA system, not via other open type networks.

Candalore also does not send descrambling keys. Instead regular ECM messages are included providing an STB authorization to watch a channel (col 24, lines 1-12). Depending on the type of STB, this ECM makes use of a standard key that is fixed and available in the STB. ECM contents provide regularly updated access criteria and descrambling keys, not on a per content base but on a per channel base. This really depends on the type of STB.

Even if Candelore suggested the use of Lorello, the Lorello reference does not supply the limitations missing in Candelore. Lorello does not disclose the use of separate networks to send two parts of the content file, one part encrypted, nor does the Lorello reference disclose sending a key to the encrypted part to the end user. The uses of the SMS network are well known and the Lorello reference merely discloses the use of the SMS service to send and store messages.

The Ogdon reference merely discloses sending video via one type of network (TCP/IP) and audio via another net work (telecommunications). Again, the Candelore reference is a Channel Access system and would not likely suggest to a person skilled in the art to look to Ogdon to modify the teachings of Candelore and Lorello to include a multiple network distribution system.

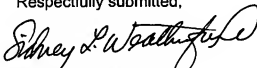
Thus, the Examiner has not provided a prima facie case as the art does not suggest the claimed invention (MPEP 2142). The Applicant respectfully requests the withdrawal of the rejection of claims 21-36.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sidney L. Weatherford", with a stylized flourish at the end.

By Sidney L. Weatherford  
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